

ORDINANCE NO. 99 - 6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING ORDINANCE 96-26 FOR **99-D1 (WELLINGTON GREEN DEVELOPMENT OF REGIONAL IMPACT)** TO MODIFY A CONDITION OF APPROVAL TO ALLOW AN EXTENSION TO THE CONSTRUCTION COMMENCEMENT DATE, MODIFYING FUTURE LAND USE ATLAS PAGE 69 FOR A 466.30 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF FOREST HILL BOULEVARD AND STATE ROAD 7/U.S. 441; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Board of County Commissioners adopted the amendment 96-D1 (Forest Hill Mall/Wellington Commons) to the Future Land Use Atlas on August 26, 1996 in Ordinance 96-26; and

WHEREAS, Ordinance 96-26 as adopted contained a condition of approval which stated that if significant physical development did not commence within three years from the effective date of Ordinance 96-26, then development approval for the site shall terminate; and

WHEREAS, subsequent to adoption, the property owner requested that Ordinance 96-26 be amended to allow an extension to the construction commencement date; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on November 13, 1998 to review the proposed amendment to

1 the Palm Beach County Comprehensive Plan and made recommendations
2 regarding the proposed amendment to the Palm Beach County Board of
3 County Commissioners pursuant to Chapter 163, Part II, Florida
4 Statutes; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
6 the governing body of Palm Beach County, conducted a public hearing
7 pursuant to Chapter 163, Part II, Florida Statutes, on December 2,
8 1998, to review the recommendations of the Local Planning Agency,
9 whereupon the Board of County Commissioners authorized transmittal of
10 proposed amendments to the Department of Community Affairs for review
11 and comment pursuant to Chapter 163, Part II, Florida Statutes; and

12 **WHEREAS**, Palm Beach County received on February 8, 1999, the
13 Department of Community Affairs "Objections, Recommendations, and
14 Comments Report," dated February 8, 1999, which was the Department's
15 written review of the proposed Comprehensive Plan amendments; and

16 **WHEREAS**, on February 25, 1999, the Palm Beach County Board of
17 County Commissioners held a public hearing to review the written
18 comments submitted by the Department of Community Affairs and to
19 consider adoption of the amendments; and

20 **WHEREAS**, the Palm Beach County Board of County Commissioners has
21 determined that the amendments as modified satisfy the concerns
22 addressed in the Department of Community Affairs' "Objections,
23 Recommendations and Comments Report" and comply with all requirements
24 of the Local Government Comprehensive Planning and Land Development
25 Regulations Act.

26 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
27 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

28 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
29 **Element of the 1989 Comprehensive Plan**

30 The following amendment to the Land Use Element's Future Land Use
31 Atlas is hereby adopted and is attached to this Ordinance:
32

1 A. Future Land Use Atlas page 69 is amended as follows:

2 Application No.: 99-D1 (Wellington Green DRI)

3 Amendment: Amending ordinance 96-26 to modify a
4 condition of approval to allow a one year
5 extension to the construction commencement
6 date as follows: "D. If significant physical
7 development does not commence ~~within three~~
8 ~~years from the effective date of this Plan~~
9 Amendment by August 26, 2000, then
10 development approval shall terminate.";

11 General Location: On the southwest corner of Forest Hill
12 Boulevard and State Road 7/U.S. 441;

13 Size: 466.30 acres.

14 Part II. Repeal of Laws in Conflict

15 All local laws and ordinances applying to the unincorporated area
16 of Palm Beach County in conflict with any provision of this ordinance
17 are hereby repealed to the extent of such conflict.

18 Part III. Severability

19 If any section, paragraph, sentence, clause, phrase, or word of
20 this Ordinance is for any reason held by the Court to be
21 unconstitutional, inoperative or void, such holding shall not affect
22 the remainder of this Ordinance.

23 Part IV. Inclusion in the 1989 Comprehensive Plan

24 The provision of this Ordinance shall become and be made a part
25 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
26 Ordinance may be renumbered or relettered to accomplish such, and the
27 word "ordinance" may be changed to "section," "article," or any other
28 appropriate word.

29 Part V. Effective Date

30 The effective date of this plan amendment shall be the date a
31 final order is issued by the Department of Community Affairs or
32 Administration Commission finding the amendment in compliance in

1 accordance with Section 163.3184, Florida Statutes, whichever occurs
2 earlier. No development orders, development permits, or land uses
3 dependent on this amendment may be issued or commence before it has
4 become effective. If a final order of noncompliance is issued by the
5 Administration Commission, this amendment may nevertheless be made
6 effective by adoption of a resolution affirming its effective status,
7 a copy of which resolutions shall be sent to the Department of
8 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
9 Boulevard, Tallahassee, Florida 32399-2100.

10 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
11 Beach County, on the 25 day of February, 1999

12 ATTEST:
13 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

14 By: Joan Haver By: Mande Ford Lee
15 Deputy Clerk Chair

16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY

18 Robert R. Jones
19 COUNTY ATTORNEY

20 Filed with the Department of State on the 8th day
21 of March, 1999.

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EXHIBIT 1

A. Future Land Use Atlas page 69 is amended as follows:

Amendment No.: 99-D1 (Wellington Green Development of Regional Impact)

Location: Southwest corner of Forest Hill Boulevard and State Road 7 / US 441

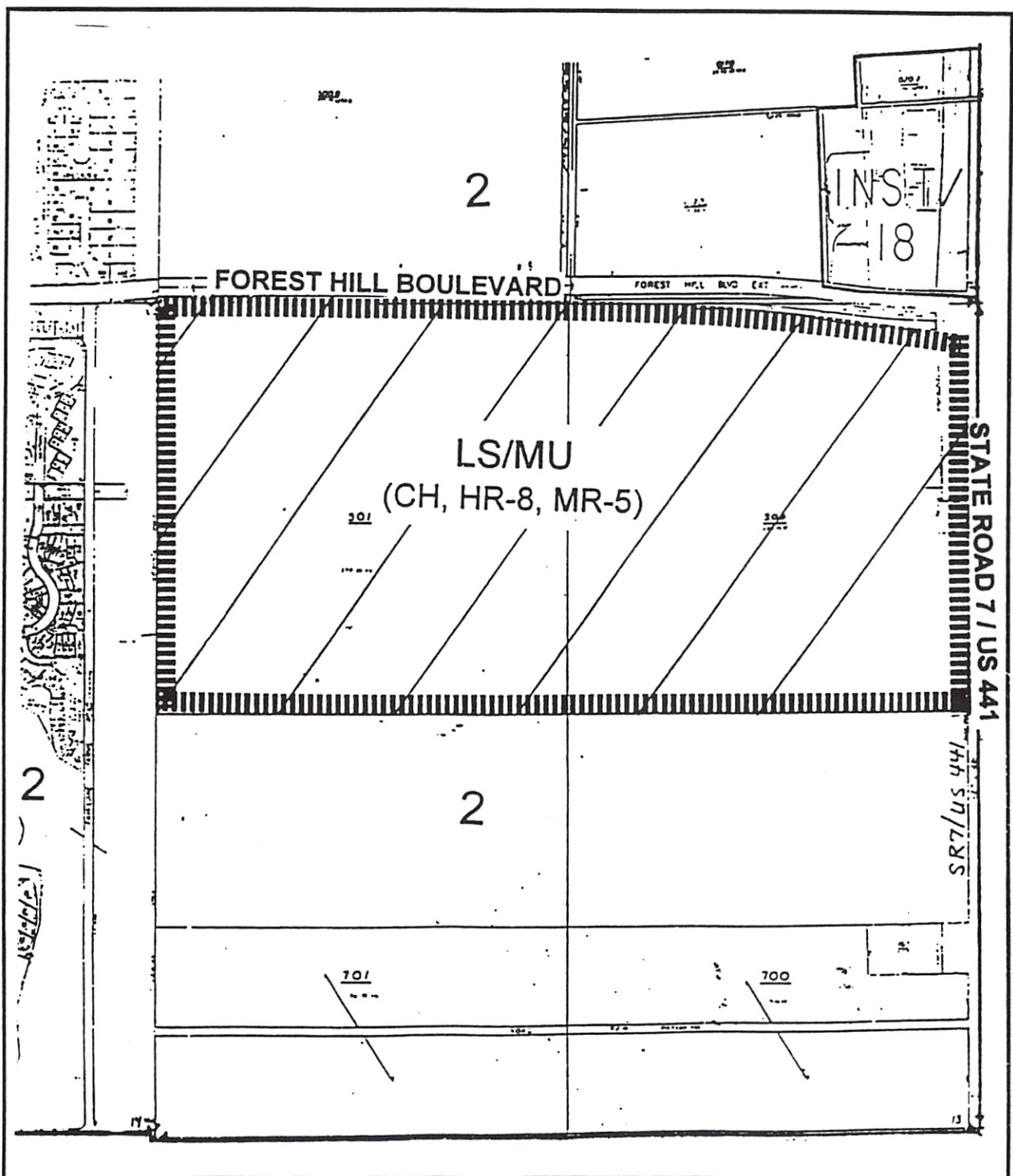
Size: 466.30 acres

Original FLU: LSMU (CH, HR-8, MR-5)

Adopted FLU: No FLU designation change [remains LSMU (CH, HR-8, MR-5)]

Property No.: 73-41-44-13-00-000-1010,
73-41-44-13-00-000-3010

Legal Description: See attached



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Legal Description:

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S 87° 44' 44" E ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 2643.75 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 13; THENCE CONTINUE S 87° 44' 41" E A DISTANCE OF 883.06 FEET TO THE POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 5616.58 FEET AND A CENTRAL ANGLE OF 06° 53' 57" FOR A DISTANCE OF 676.31 FEET TO THE POINT OF TANGENCY; THENCE S 80° 50' 44" E A DISTANCE OF 249.96 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5842.58 FEET THROUGH A CENTRAL ANGLE OF 05° 32' 46" FOR A DISTANCE OF 565.55 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE S 00° 21' 56" E A DISTANCE OF 848.66 FEET; THENCE S 01° 58' 01" W ALONG A LINE PARALLEL WITH AND 240.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 13 A DISTANCE OF 363.28 FEET; THENCE N 88° 19' 00" W A DISTANCE OF 28.46 FEET; THENCE S 01° 57' 22" W A DISTANCE OF 208.71 FEET; THENCE S 88° 18' 59" E A DISTANCE OF 199.16 FEET TO THE WEST RIGHT-OF-WAY LINE A DISTANCE OF 2520.50 FEET; THENCE N 88° 05' 25" W ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SECTION 13 A DISTANCE OF 5208.20 FEET TO THE WEST LINE OF SAID SECTION 13; THENCE N 01° 52' 58" E A DISTANCE OF 1360.79 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 13; THENCE N 01° 54' 00" E A DISTANCE OF 2720.57 FEET TO THE POINT OF THE BEGINNING; LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL s-5 AS DESCRIBED IN RIGHT-OF-WAY WARRANTY DEED FROM HAMYRA REALTY CORPORATION TO PALM BEACH COUNTY, RECORDED ON JANUARY 8, 1998 IN OFFICIAL RECORDS BOOK 5539, PAGE 1776. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA CONTAINING 476.19 ACRES MORE OR LESS.

STATE OF FLORIDA
COUNTY OF PALM BEACH
CLERK OF THE
DATE 2/25/99
3/11/99
BY Phyllis A. House